

Amendment No. 1 to SB0168

Jackson
Signature of Sponsor

AMEND Senate Bill No. 168*

House Bill No. 170

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language of the introduced bill following the caption, and substituting the following:

WHEREAS, the State of Tennessee is blessed with a bounty of natural resources; and

WHEREAS, farming is a noble and vital profession within the State of Tennessee; and

WHEREAS, an important part of modern farming is the use of pesticides; and

WHEREAS, the misapplication of pesticides creates a potential threat to human life and health; and

WHEREAS, the General Assembly is equally concerned with protecting the livelihood of farming, the health of farms and the health of members of the rural general public; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and cited as the "Tennessee Aerial Spraying Protection Act of 2005".

SECTION 2. Tennessee Code Annotated, Section 43-8-301, is amended by designating the existing language as subsection (a) and by the following language as a new subsection (b):

(b) It is the intent of the general assembly by enacting this part to ensure that farming with pesticides, herbicides, insecticides, fungicides and rodenticides is done in a safe manner without unnecessary threat to human life and health.

This part should be interpreted to further that end.

SECTION 3. Tennessee Code Annotated, Section 43-8-304, is amended by adding the following language as a new subsection:

(g) All aircraft shall have the aircraft decal numbers prominently displayed on the aircraft so they are visible from the ground, no smaller than twenty-four inches (24") in height.

SECTION 4. Tennessee Code Annotated, Section 43-8-312, is amended by designating the present section as subsection (a) and inserting the following new subsection (b):

(b) Aerial applicators applying pesticides in the state of Tennessee shall notify the public of an aerial spraying action prior to the pesticide application no later than the day the pesticide application is to be made. Public notice shall be through Public Service Announcements (PSA) in county newspapers of general circulation and/or county radio stations in which the application is to be made. Applicators shall include in the PSA the name of the landowner and the location of each intended pesticide application as well as the name or names of the pesticide or pesticides to be sprayed. The PSA shall also include the department of agriculture's toll free hotline and website for reporting problems with pesticide exposure by aerial drift.

SECTION 5. Tennessee Code Annotated, Title 43, Chapter 8, Part 3, is amended by adding the following as a new section:

43-8-315. The department of agriculture shall maintain a current registry of pesticide-sensitive persons, beekeepers and certified organic farms. Upon request, the department of agriculture shall register any person who pays annually a registration fee in the amount of twenty-five dollars (\$25.00) and submits certification for an organic farm, documentation from a physician stating the person's sensitivity, or documentation of beekeeper status. The department of agriculture shall notify all licensed aerial applicators twice yearly – before the mid-spraying season – of the name, address and telephone number of those persons registered as beekeepers, organic farmers and persons sensitive to pesticides with the department of agriculture. This notification shall include the

following language: "Prior to applying pesticides by air, the department of agriculture requires those receiving this registry to contact, using any reasonable means, those registered in the location where pesticides will be applied by air."

SECTION 6 Tennessee Code Annotated, Section 43-8-306, is amended by designating the present section as subsection (a) and inserting the following new subsection (b):

(b) Licensed aerial applicators shall not apply pesticides by air within one hundred feet (100') of any residence, nor within three hundred feet (300') of the premises of schools, public parks and playgrounds, hospitals, nursing homes, houses of religious worship, or any building, other than a private residence, which is used for business or social activities, nor within three hundred feet (300') of registered certified organic farms, registered beekeepers, or registered chemically sensitive persons.

SECTION 7. This act shall take effect July 1, 2005, the public welfare requiring it.